

done with the spirit of anything except trying to do something for the American people because this is an opportunity that we have today to start working on a very positive idea.

There is no reason for us to put this off. If we put this on this legislation today, this idea will move forward, and a lot of work will be done on this, and we will move toward this goal.

If this amendment fails, what we have done is condemn the American people to tens of billions of dollars of expense that could have been taken up by foreign manufacturers who are importing their goods into our ports and putting their goods onto our market and undercutting our domestic manufacturers.

Earlier the gentleman from Alaska (Chairman YOUNG) suggested that perhaps the ports already have this authority, thus this amendment is redundant. Let me say if that is the analysis, why not pass it then? There is no reason then, if the ports already have this authority, why are we so hesitant about passing this? The reason we are so hesitant is that there are powerful interests at play. We should be interested in what is the effect on the American people.

We face, in these next 12 months, a horrendous, an astronomic expense in our ports, making them safe, making them more secure and more efficient. We should start working right now, and this is how we can do it, finding a new revenue source, a source for manufacturers overseas that will help us accomplish this mission. OMB will go along. The ports will go along. The American people will applaud us if we provide the leadership today, and that is what I am suggesting.

I would ask my colleagues who are listening to this debate to join me, siding with the American people, the American manufacturer and let us not tax billions of dollars from them when we could have a fee paid by foreign manufacturers that would provide us the revenues necessary to make our ports secure and to upgrade their infrastructure.

Mr. Chairman, I appreciate the good work that those people who have worked on this legislation have done, and I intend to support this one way or the other.

Mr. OSE. Mr. Chairman, today, I rise to discuss Mr. ROHRABACHER's Amendment (No. 1) to the Water Resources Development Act of 2003 (H.R. 2557). This amendment is well intended since it seeks to find a way to provide additional funds for needed port security improvements. It permits seaports to impose fees to be collected on a per container basis to be used for port security.

On May 21, 2003, after holding a hearing on port security, with my Government Reform Subcommittee Ranking Member JOHN TIERNEY, I introduced a bi-partisan bill, entitled the "Port Security Improvements Act of 2003" (H.R. 2193). Our bill takes a different approach. To date, Congress has provided extensive Federal funding to fully ensure air security. In contrast, Congress has not provided

sufficient Federal funding to fully ensure port security. Currently, the U.S. Customs Bureau collects \$15.6 billion in duties on commodities entering the U.S. through marine transportation. Our bill dedicates a portion of these duties for five years toward port security enhancements. In addition, our bill reflects other recommendations from our witnesses. It sets deadlines for issuance of regulations governing transportation security cards, and requires regulations that include a national minimum set of standard security requirements for ports, facilities, and vessels.

Since America's ports are crucial to our economic well being, it is essential that we find the right balance between increasing port security while not impeding the flow of commerce and trade. As a Republican, I am sensitive to the costs of excessive government regulation. But, in a post-September 11 world, I realize that we must take additional precautions to protect our fellow citizens and our economy. We need to make sure that our ports are safe. I am not convinced that they are safe today.

H.R. 2193 currently has 31 co-sponsors. This summer, both the American Association of Port Authorities (AAPA) and I requested that Transportation and Infrastructure Subcommittee Chairman FRANK LOBIONDO hold a hearing on this bill. Today, I ask for additional co-sponsors for H.R. 2193 and for Chairman LOBIONDO to schedule the requested hearing.

Mr. ROHRABACHER. Mr. Chairman, I yield back the balance of my time.

Mr. DUNCAN. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. HEFLEY) having assumed the chair, Mr. HASTINGS of Washington, Chairman pro tempore of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 2557) to provide for the conservation and development of water and related resources, to authorize the Secretary of the Army to construct various projects for improvements to rivers and harbors of the United States, and for other purposes, had come to no resolution thereon.

MAKING IN ORDER CONSIDERATION OF KIND AMENDMENT DURING FURTHER CONSIDERATION OF H.R. 2557, WATER RESOURCES DEVELOPMENT ACT OF 2003

Mr. DUNCAN. Mr. Speaker, I ask unanimous consent that the Kind amendment be made in order immediately after the disposition of the Rohrabacher amendment.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Tennessee?

There was no objection.

WATER RESOURCES DEVELOPMENT ACT OF 2003

The SPEAKER pro tempore. Pursuant to House Resolution 375 and rule XVIII, the Chair declares the House in

the Committee of the Whole House on the State of the Union for the further consideration of the bill, H.R. 2557.

□ 1738

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill (H.R. 2557) to provide for the conservation and development of water and related resources, to authorize the Secretary of the Army to construct various projects for improvements to rivers and harbors of the United States, and for other purposes, with Mr. HASTINGS (Chairman pro tempore) in the chair.

The Clerk read the title of the bill.

The CHAIRMAN pro tempore. When the Committee of the Whole rose earlier today, amendment No. 3 printed in House Report 108-282 offered by the gentleman from California (Mr. ROHRABACHER) had been debated.

The question is on the amendment offered by the gentleman from California (Mr. ROHRABACHER).

The question was taken; and the Chairman pro tempore announced that the noes appeared to have it.

RECORDED VOTE

Mr. ROHRABACHER. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 65, noes 359, not voting 10, as follows:

[Roll No. 518]

AYES—65

Abercrombie	Holden	Pence
Akin	Hostettler	Petri
Bartlett (MD)	Hunter	Pitts
Barton (TX)	Johnson (CT)	Pombo
Burr	Johnson, Sam	Radanovich
Burton (IN)	Jones (NC)	Renzi
DeFazio	Jones (OH)	Rohrabacher
DeLauro	Kanjorski	Royce
Doolittle	Kaptur	Ryan (WI)
Emerson	Kennedy (RI)	Sabo
Farr	Kilpatrick	Sanders
Foley	King (IA)	Sensenbrenner
Franks (AZ)	Kucinich	Shays
Gingrey	Langevin	Sherman
Green (WI)	Lantos	Slaughter
Gutknecht	Larson (CT)	Smith (MI)
Hall	McNulty	Stark
Hart	Musgrave	Tancredo
Hastings (FL)	Nadler	Taylor (MS)
Hayworth	Neugebauer	Taylor (NC)
Hefley	Olver	Wamp
Hobson	Otter	

NOES—359

Ackerman	Bishop (GA)	Burns
Aderholt	Bishop (NY)	Buyer
Alexander	Blackburn	Calvert
Allen	Blumenauer	Camp
Andrews	Blunt	Cannon
Baca	Boehlert	Cantor
Bachus	Boehner	Capito
Baird	Bonilla	Capps
Baker	Bonner	Capuano
Baldwin	Bono	Cardin
Ballance	Boozman	Cardoza
Ballenger	Boswell	Carson (IN)
Barrett (SC)	Boucher	Carson (OK)
Bass	Boyd	Carter
Beauprez	Bradley (NH)	Case
Becerra	Brady (PA)	Castle
Bell	Brady (TX)	Chabot
Bereuter	Brown (OH)	Chocola
Berkley	Brown (SC)	Clay
Berman	Brown, Corrine	Clyburn
Berry	Brown-Waite,	Coble
Biggert	Ginny	Cole
Bilirakis	Burgess	Collins

Cooper Janklow Pomeroy
 Costello Jefferson Porter
 Cox Jenkins Portman
 Cramer John Price (NC)
 Crane Johnson (IL) Pryce (OH)
 Crenshaw Johnson, E. B. Putnam
 Crowley Keller Quinn
 Cubin Kelly Rahall
 Culberson Kennedy (MN) Ramstad
 Cummings Kildee Rangel
 Cunningham Kind Regula
 Davis (AL) King (NY) Rehberg
 Davis (CA) Kingston Reynolds
 Davis (FL) Kirk Rogers (AL)
 Davis (IL) Kleczka Rogers (KY)
 Davis (TN) Kline Rogers (MI)
 Davis, Jo Ann Knollenberg Ros-Lehtinen
 Davis, Tom Kolbe Ross
 Deal (GA) LaHood Rothman
 DeGette Lampson Roybal-Allard
 Delahunt Larsen (WA) Ruppersberger
 DeLay Latham Rush
 DeMint LaTourette Ryan (OH)
 Deutsch Leach Ryon (KS)
 Diaz-Balart, L. Lee Sanchez, Linda
 Diaz-Balart, M. Levin T.
 Dicks Lewis (CA) Sanchez, Loretta
 Dingell Lewis (KY) Sandlin
 Doggett Linder Saxton
 Dooley (CA) Lipinski Schakowsky
 Doyle LoBiondo Schiff
 Dreier Lofgren Schrock
 Duncan Lowey Scott (GA)
 Dunn Lucas (KY) Scott (VA)
 Edwards Lucas (OK) Serrano
 Ehlers Lynch Sessions
 Emanuel Majette Shadegg
 Engel Maloney Shaw
 English Manzullo Sherwood
 Eshoo Shimkus Shuster
 Etheridge Marshall Simmons
 Evans Matheson Simpson
 Everett Matsui Skelton
 Fattah McCarthy (MO) Smith (NJ)
 Feeney McCarthy (NY) Smith (TX)
 Ferguson McCollum Smith (WA)
 Filner McCotter Snyder
 Flake McCreery Solis
 Fletcher McDermott Souder
 Forbes McGovern Spratt
 Ford McHugh Stearns
 Fossella McInnis Stenholm
 Frank (MA) McIntyre Strickland
 Frelinghuysen McKeon Stupak
 Frost Meehan Sullivan
 Gallegly Meek (FL) Sweeney
 Garrett (NJ) Meeks (NY) Tanner
 Gerlach Menendez Tauscher
 Gibbons Mica Tauzin
 Gilchrest Michaud Terry
 Gillmor Millender Thomas
 Gonzalez McDonald Thompson (CA)
 Goode Miller (FL) Thompson (MS)
 Goodlatte Miller (MI) Thornberry
 Gordon Miller (NC) Tiahrt
 Goss Miller, Gary Tiberi
 Granger Miller, George Tierney
 Graves Mollohan Toomey
 Green (TX) Moore Towns
 Greenwood Moran (KS) Turner (OH)
 Grijalva Moran (VA) Turner (TX)
 Gutierrez Murphy Udall (CO)
 Harman Murtha Udall (NM)
 Harris Myrick Upton
 Hastings (WA) Napolitano Van Hollen
 Hayes Neal (MA) Velazquez
 Hensarling Nethercutt Visclosky
 Herger Ney Vitter
 Hill Northup Walden (OR)
 Hinchey Norwood Waters
 Hinojosa Nunes Watson
 Hoeffel Nussle Watt
 Hoekstra Oberstar Waxman
 Holt Obey Weiner
 Honda Ortiz Weldon (FL)
 Hooley (OR) Ose Weldon (PA)
 Houghton Owens Wexler
 Hoyer Oxley Whitfield
 Hulshof Pallone Wicker
 Hyde Pascrell Wilson (NM)
 Inslee Paul Wilson (SC)
 Isakson Payne Wolf
 Israel Pearce Woolsey
 Issa Pelosi Wu
 Istook Peterson (MN) Wynn
 Jackson (IL) Peterson (PA) Young (AK)
 Jackson-Lee Pickering Young (FL)
 (TX) Platts

NOT VOTING—10

Bishop (UT) Osborne Walsh
 Conyers Pastor Weller
 Gephardt Reyes
 Lewis (GA) Rodriguez

ANNOUNCEMENT BY THE CHAIRMAN PRO TEMPORE

The CHAIRMAN pro tempore (Mr. HASTINGS of Washington) (during the vote). Members are advised 2 minutes remain in this vote.

□ 1802

Mrs. JO ANN DAVIS of Virginia, Mr. MILLER of North Carolina, and Mr. SCHIFF changed their vote from "aye" to "no."

Messrs. GREEN of Wisconsin, McNULTY, Ryan of Wisconsin, JONES of North Carolina, OLIVER, NEUGEBAUER, HOLDEN and BURR, Mrs. JONES of Ohio, Ms. HART, and Ms. DELAURO changed their vote from "no" to "aye."

So the amendment was rejected.

The result of the vote was announced as above recorded.

Stated against:

Mr. WELLER. Mr. Chairman, on rollcall No. 518 I was unavoidably detained. Had I been present, I would have voted "no."

The CHAIRMAN pro tempore (Mr. HASTINGS of Washington). Pursuant to the order of the House of today, it is now in order to consider amendment No. 2 printed in House Report 108-282.

AMENDMENT NO. 2 OFFERED BY MR. KIND

Mr. KIND. Mr. Chairman, I offer an amendment.

The CHAIRMAN pro tempore. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 2 offered by Mr. KIND:

Page 56, strike lines 8 through 22 and insert the following:

"(3) COMPLETION OF MITIGATION.—To ensure concurrent mitigation, the Secretary shall implement at least 50 percent of required mitigation before beginning project construction and shall implement the remainder of required mitigation as expeditiously as practical, but not later than—

"(A) the last day of construction of the project or separable element of the project; or

"(B) in those instances in which it is not technically practicable to complete mitigation concurrent with the last day of project construction because of the nature of the mitigation to be undertaken, as expeditiously as practicable, but in no case later than the last day of the first fiscal year beginning after the last day of construction of the project or separable element of the project."

(b) FULL MITIGATION PLAN CONTENTS.—Section 906(d) of such Act (33 U.S.C. 2283(d)) is amended—

(1) in the first sentence of paragraph (1)(A)—

(A) by inserting after "Congress" the following: "and shall not choose a project alternative in any final record of decision, environmental impact statement, or environmental assessment,";

(B) by striking "a recommendation with"; and

(C) by inserting "fully" before "mitigate"; and

(2) by adding at the end the following:

"(3) STANDARDS FOR MITIGATION.—

"(A) IN GENERAL.—To fully mitigate fish and wildlife impacts, the Secretary shall develop and implement mitigation plans under paragraph (1) that will—

"(i) acquire and restore at least one acre of superior or equivalent habitat of the same type to replace each acre of habitat negatively affected by the project; and

"(ii) implement additional activities necessary to ensure that mitigation will result in replacement of all functions of the habitat negatively affected by the project, including spatial distribution and natural hydrologic and ecological characteristics.

"(B) PROBABILITY OF SUCCESS.—A mitigation plan submitted by the Secretary under paragraph (1) shall have a high probability of successfully mitigating the adverse impacts of the project on aquatic and other resources, hydrologic functions, and fish and wildlife.

"(4) MITIGATION PLAN CONTENTS.—A mitigation plan shall include—

Page 57, line 15, strike "any necessary".

Page 57, line 20, strike "(4)" and insert "(5)".

The CHAIRMAN pro tempore. Pursuant to House Resolution 375, the gentleman from Wisconsin (Mr. KIND) and the gentleman from Tennessee (Mr. DUNCAN) each will control 10 minutes.

The Chair recognizes the gentleman from Wisconsin (Mr. KIND).

Mr. KIND. Mr. Chairman, I yield myself such time as I may consume.

Let me thank my friend, the gentleman from Tennessee (Mr. DUNCAN), for the courtesy and consideration that he is showing in allowing this brief discussion.

It is my intent that after a brief debate on this amendment I will ask unanimous consent to withdraw and we will go to final passage at this time.

Mr. Chairman, let me first of all commend the work that the Committee on Transportation and Infrastructure has done on this important piece of legislation. I think it is a good bill. It is a bill that can be made better. I think there has been important progress in a variety of areas, especially the provisions relating to the Corps of Engineers reform.

Mr. Chairman, I believe that the inclusion of these critical Corps reform measures demonstrate a critical recognition that reforms are necessary in how the Corps of Engineers conducts their projects throughout the country and accomplish many of the goals that I set forth nearly 4 years ago when I introduced the Army Corps of Engineer Reform Act of 2000.

These efforts are an important first step towards assuring that the Corps properly plans, constructs, and operates projects and provides Congress with accurate information.

My amendment, Mr. Chairman, briefly would build on the committee's efforts to improve the Corps record on mitigation of civil works projects. The committee took an important step in requiring the Corps to include critical information in its mitigation plans. Unfortunately, I do not think it goes quite far enough.

I am hoping that we can keep an open mind as the Senate begins their work on WRDA and as we enter the

conference committee that perhaps some more improvements can be made with the Corps reforms that are recommended in this base bill.

The Corps track record on mitigation certainly needs improvement. In May 2002, the General Accounting Office reported that the Corps had proposed no mitigation for almost 70 percent of its projects. In addition, despite the existing requirement that the Corps carry out its mitigation concurrently with project construction, the GAO also reported that the Corps has not done so for over 80 percent of the projects where mitigation is supposed to occur.

Mr. Chairman, failure to properly mitigate has real implications for the Nation's health and economic well-being. For example, when wetlands losses are not mitigated, water quality is harmed, water supplies are strained, flood damage increases, and wildlife is harmed. Wetlands filter pollutants from water, absorb and slow the release of storm runoff, recharge aquifers, provide crucial wildlife habitat for millions of migrating waterfowl, shore birds, and other species and provide recreation and enjoyment to millions of Americans who visit wetlands areas throughout the year. We must correct this situation and quickly.

My amendment to section 2030 would do so by requiring the Corps to first fully mitigate habitat loss from the construction of Corps projects by replacing at a minimum each acre of damaged habitat with an equivalent or superior acre of habitat.

Second, complete at least 50 percent of mitigation before construction begins with the remainder to be completed when the project construction is complete wherever it is physically possible.

Third, to prepare detailed mitigation plans that have a high likelihood of successfully replacing loss values and that require monitoring to ensure success.

I wish to emphasize that these recommendations are not mine alone but are also those from a panel of experts of the National Academies of Research Council. Speaking to the specific issue of compensating for wetland loss, the NRC's Water Science and Technology Board recommended, "Restoration and creation of wetlands should occur simultaneously or before the filling of the natural wetland and according to established design criteria that are better monitored and enforced."

Again, I would reiterate that hopefully we can keep an open mind as we move forward with the work of the Senate and begin work on the conference report whenever that might occur so we can improve upon, I think, significant improvements that have been made in the area of Corps reform and perhaps produce a better bill at the end of the day for the protection of wetlands and habitats throughout our country.

Mr. Chairman, I reserve the balance of my time.

Mr. DUNCAN. Mr. Chairman, I yield myself such time as I may consume.

(Mr. DUNCAN asked and was given permission to revise and extend his remarks.)

Mr. DUNCAN. Mr. Chairman, I understand the gentleman is going to withdraw his amendment, so just let me very briefly and quickly say that many groups and Members started out far apart on different issues involved in this legislation, but we came together in the spirit of bipartisanship and arrived at a bill that all the members of the Committee on Transportation and Infrastructure supported, that the leadership on both sides support. We had groups like the Chamber of Commerce, the Farm Bureau, all the environmental groups. And the environmental groups and the business groups came together to endorse this bill. It is almost unprecedented. So we came up with the most environmentally friendly bill that has ever been produced, I think, in a Water Resources Development Act. So I think it is a bill that can be supported proudly by Members on all sides.

Mr. OBERSTAR. Mr. Chairman, will the gentleman yield?

Mr. DUNCAN. I will gladly yield to the gentleman from Minnesota, the ranking member of the committee.

Mr. OBERSTAR. Mr. Chairman, I thank the chairman for his statement about the diligent work of the committee and in addressing the resource issues in a very comprehensive manner. Of course, there is always more that can be done, but we have created a platform and a structure within which this program can be improved.

The reference of the gentleman from Wisconsin to concurrency of mitigation efforts with construction is a matter that the former Member from Minnesota, Congressman Quee, Republican from southeastern Minnesota, and I crafted into a water resources bill in 1977, but it has taken years to get the corps to actually carry out that responsibility. So it is evidence that we need to proceed further.

But the discussion of the gentleman from Wisconsin sets the stage and lays the groundwork for this committee to continue to address this matter in future legislation and future form.

Mr. DUNCAN. Mr. Chairman, I yield back the balance of my time.

Mr. KIND. Mr. Chairman, I yield 2 minutes to the gentleman from Oregon (Mr. BLUMENAUER).

Mr. BLUMENAUER. Mr. Chairman, I appreciate the gentleman's courtesy in yielding me this time, and given the lateness of the hour, I will be brief. But I think what we are doing here this afternoon is a metaphor for why we have the problem that we have and why we need to consider something like the gentleman's amendment.

There is never a good time to deal with mitigation, yet there are people in this Chamber who represent tens of thousands of Americans who are worse off today because of the hurricane

flooding, because over the last 200 years we have filled over one-half of our country's wetlands. This is nature's sponge. This buffers storm surges. This slows the release of flood water. And despite the good intentions, we never quite get there.

The gentleman has pointed out that 70 percent of the corps' projects have exactly zero mitigation, and very little follow-up occurs to make sure that the mitigation that is established actually happens. I appreciate what our subcommittee Chair has said, the ranking member, and the spirit with which this has been offered; but I hope that Members of this Chamber who have constituents that are flooded out tonight or that are going to have constituents that will be flooded in 6 months or a year, who are going to be dealing with massive supplemental budgets to deal with the problems of how we have not properly dealt with water resources, will remember this time, and we will come forward where we are dealing realistically with mitigation and give the American public the type of protection they need and the environment the consideration that it deserves.

Mr. KIND. Mr. Chairman, I yield myself such time as I may consume, and again I want to thank my friend from Tennessee for the courtesy he has shown and my colleagues for their patience.

Mr. Chairman, I ask unanimous consent to withdraw my amendment.

The CHAIRMAN pro tempore. Without objection, the amendment is withdrawn.

There was no objection.

The CHAIRMAN pro tempore. There being no further amendments, the question is on the committee amendment in the nature of a substitute, as amended.

The committee amendment in the nature of a substitute, as amended, was agreed to.

The CHAIRMAN pro tempore. Under the rule, the committee rises.

□ 1815

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. OSE) having assumed the chair, Mr. HASTINGS of Washington, Chairman pro tempore of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 2557) to provide for the conservation and development of water and related resources, to authorize the Secretary of the Army to construct various projects for improvements to rivers and harbors of the United States, and for other purposes, pursuant to House Resolution 375, he reported the bill back to the House with an amendment adopted by the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

Is a separate vote demanded on the amendment to the committee amendment in the nature of a substitute

adopted by the Committee of the Whole? If not, the question is on the committee amendment in the nature of a substitute.

The committee amendment in the nature of a substitute was agreed to.

AMENDMENT OFFERED BY MR. DUNCAN

Mr. DUNCAN. Mr. Speaker, I ask unanimous consent that the further amendment I have placed at the desk be considered as adopted.

The Clerk read as follows:

Amendment offered by Mr. DUNCAN:

On page 121, line 5, strike the sentence that begins with "In carrying out" and all that follows through line 6.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Tennessee?

Mr. OBERSTAR. Mr. Speaker, reserving the right to object, I reserve the right to object for the purpose of establishing the concurrence of the gentleman from Tennessee (Mr. DUNCAN) that the unanimous consent request to strike the language referred to in the gentleman's amendment does not create legislative history on the subject and is not indicative of legislative intent; and, further, any prior or subsequent discussion of this provision does not constitute legislative intent.

Mr. DUNCAN. Mr. Speaker, will the gentleman yield?

Mr. OBERSTAR. I yield to the gentleman from Tennessee.

Mr. DUNCAN. Mr. Speaker, I agree with the statement by the ranking member, the gentleman from Minnesota (Mr. OBERSTAR).

Mr. OBERSTAR. Mr. Speaker, I withdraw my reservation.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Tennessee?

There was no objection. Accordingly, the further amendment was adopted.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on the passage of the bill.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Mr. DUNCAN. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 412, noes 8, not voting 14, as follows:

[Roll No. 519]

AYES—412

Abercrombie	Ballenger	Biggart
Ackerman	Barrett (SC)	Bilirakis
Aderholt	Bartlett (MD)	Bishop (GA)
Akin	Barton (TX)	Bishop (NY)
Alexander	Bass	Blackburn
Allen	Beauprez	Blumenauer
Baca	Becerra	Blunt
Bachus	Bell	Boehlert
Baird	Bereuter	Boehner
Baker	Berkley	Bonilla
Baldwin	Berman	Bonner
Ballance	Berry	Bono

Boozman	Gerlach	Maloney
Boswell	Gilchrest	Manzullo
Boucher	Gillmor	Markey
Boyd	Gingrey	Marshall
Bradley (NH)	Gonzalez	Matheson
Brady (PA)	Goode	Matsui
Brady (TX)	Goodlatte	McCarthy (MO)
Brown (OH)	Gordon	McCarthy (NY)
Brown (SC)	Goss	McCollum
Brown, Corrine	Granger	McCotter
Brown-Waite,	Graves	McCrery
Ginny	Green (TX)	McDermott
Burgess	Green (WI)	McGovern
Burns	Greenwood	McHugh
Burr	Grijalva	McInnis
Burton (IN)	Gutierrez	McIntyre
Buyer	Gutknecht	McKeon
Calvert	Hall	McNulty
Camp	Harman	Meehan
Cannon	Hart	Meek (FL)
Cantor	Hastings (FL)	Meeks (NY)
Capito	Hastings (WA)	Menendez
Capps	Hayes	Mica
Capuano	Hayworth	Michaud
Cardin	Hefley	Millender-
Cardoza	Hensarling	McDonald
Carson (IN)	Herger	Miller (FL)
Carson (OK)	Hill	Miller (MI)
Carter	Hinchee	Miller (NC)
Case	Hinojosa	Miller, Gary
Castle	Hobson	Miller, George
Chabot	Hoeffel	Mollohan
Chocola	Hoekstra	Moore
Clay	Holden	Moran (KS)
Clyburn	Holt	Moran (VA)
Coble	Honda	Murphy
Cole	Hooey (OR)	Musgrave
Collins	Houghton	Myrick
Conyers	Hoyer	Nadler
Cooper	Hulshof	Napolitano
Costello	Hunter	Neal (MA)
Cox	Hyde	Nethercutt
Cramer	Inslee	Neugebauer
Crane	Isakson	Ney
Crenshaw	Israel	Northup
Crowley	Issa	Norwood
Cubin	Istook	Nunes
Culberson	Jackson (IL)	Nussle
Cummings	Jackson-Lee	Oberstar
Cunningham	(TX)	Obey
Davis (AL)	Janklow	Olver
Davis (CA)	Jefferson	Ortiz
Davis (IL)	Jenkins	Ose
Davis (TN)	John	Otter
Davis, Jo Ann	Johnson (CT)	Owens
Davis, Tom	Johnson (IL)	Oxley
Deal (GA)	Johnson, E. B.	Pallone
DeFazio	Johnson, Sam	Pascarell
DeGette	Jones (NC)	Payne
Delahunt	Jones (OH)	Pearce
DeLauro	Kanjorski	Pelosi
DeLay	Kaptur	Pence
DeMint	Keller	Peterson (MN)
Deutsch	Kelly	Peterson (PA)
Diaz-Balart, L.	Kennedy (MN)	Petri
Diaz-Balart, M.	Kennedy (RI)	Pickering
Dicks	Kildee	Pitts
Dingell	Kilpatrick	Platts
Doggett	Kind	Pombo
Dooley (CA)	King (IA)	Pomeroy
Doolittle	King (NY)	Porter
Doyle	Kingston	Portman
Dreier	Kirk	Price (NC)
Duncan	Klecza	Pryce (OH)
Dunn	Kline	Putnam
Edwards	Kolbe	Quinn
Ehlers	Kucinich	Radanovich
Emanuel	LaHood	Rahall
Emerson	Lampson	Ramstad
Engel	Langevin	Rangel
English	Lantos	Regula
Eshoo	Larsen (WA)	Rehberg
Etheridge	Larson (CT)	Renzi
Evans	Latham	Reynolds
Everett	LaTourrette	Rogers (AL)
Farr	Leach	Rogers (KY)
Feeney	Lee	Rogers (MI)
Ferguson	Levin	Rohrabacher
Filner	Lewis (CA)	Ros-Lehtinen
Fletcher	Lewis (KY)	Ross
Foley	Linder	Rothman
Forbes	Lipinski	Roybal-Allard
Ford	LoBiondo	Royce
Fossella	Lofgren	Ruppersberger
Frank (MA)	Lowe	Rush
Frelinghuysen	Lucas (KY)	Ryan (OH)
Frost	Lucas (OK)	Ryan (WI)
Gallegly	Lynch	Ryun (KS)
Garrett (NJ)	Majette	Sabo

Sanchez, Linda	Solis	Upton
T.	Souder	Van Hollen
Sanchez, Loretta	Spratt	Velazquez
Sanders	Stark	Visclosky
Sandlin	Stenholm	Vitter
Saxton	Strickland	Walden (OR)
Schakowsky	Stupak	Walsh
Schiff	Sullivan	Wamp
Schrock	Sweeney	Waters
Scott (GA)	Tanner	Watson
Scott (VA)	Tauscher	Watt
Serrano	Tauzin	Waxman
Sessions	Taylor (MS)	Weiner
Shaw	Taylor (NC)	Weldon (FL)
Shays	Terry	Weldon (PA)
Sherman	Thomas	Weller
Sherwood	Thompson (CA)	Wexler
Shimkus	Thompson (MS)	Whitfield
Shuster	Thornberry	Wicker
Simmons	Tiahrt	Wilson (NM)
Simpson	Tiberi	Wilson (SC)
Skelton	Tierney	Wolf
Slaughter	Toomey	Woolsey
Smith (MI)	Towns	Wu
Smith (NJ)	Turner (OH)	Wynn
Smith (TX)	Turner (TX)	Young (AK)
Smith (WA)	Udall (CO)	Young (FL)
Snyder	Udall (NM)	

NOES—8

Andrews	Hostettler	Shadegg
Flake	Paul	Stearns
Franks (AZ)	Sensenbrenner	

NOT VOTING—14

Bishop (UT)	Harris	Pastor
Davis (FL)	Knollenberg	Reyes
Fattah	Lewis (GA)	Rodriguez
Gephardt	Murtha	Tancredo
Gibbons	Osborne	

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. OSE) (during the vote). Members are advised there are 2 minutes remaining in this vote.

□ 1834

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. GIBBONS. Mr. Speaker, on rollcall No. 519 I was inadvertently detained. Had I been present, I would have voted "aye."

GENERAL LEAVE

Mr. DUNCAN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on the bill, H.R. 2557.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Tennessee?

There was no objection.

FURTHER MESSAGE FROM THE SENATE

A further message from the Senate by Mr. Monahan, one of its clerks, announced that the Senate has passed with an amendment a bill of the House of the following title:

H.R. 2660. An act making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2004, and for other purposes.

The message also announced that the Senate insist upon its amendment to the bill (H.R. 2660) "An Act making appropriations for the Department of